IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 997 of 2004

Between:

Tirucharapalli Leela Kumar Raman,
S/o TVL Kumar,
R/o 2/56A, Severn Street,
Box Hill North,
Victoria 3129, Australia,
Rep. by his G.P.A., Dr.PREMALATHA,
r/o 3-5-474, Vittalvadi, Narayanaguda, Hyderabad

..... PETITIONER

AND

1 The Union of India, rep by its Secretary,
Finance & Planning Department, New Delhi
2 State Bank of Hyderabad, rep by its Authorised Officer,
Bellavista Branch, Hyderabad
3 M/s Timbermatics,
rep. by its Proprietor, M.Madhava Vasu,
s/o Keshav Rao, 14-35/1/A, Lothukunta,
Alwal, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus, declaring the provisions of Sections 13 and 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 and impugned

notice issued by the 2nd respondent, dated 23-09-2003 as illegal, arbitrary, capricious, violative of principles of natural justice and ultra vires, violative of the Rule of Law and also violative of the fundamental rights under Articles 13,14 and 21 of the constitutions of India and consequently strike down the provisions of section 13 and 17 of the said act and to set aside the impugned notice

For the Petitioner :Mr. M.S.PRASAD, Advocate.
For the Respondents : Mr.A.RAJASHEKAR REDDY
Standing Counsel for Central Govt. for R-1
Mr. K.V.Simhadri, Advocate, for R-2
For the Respondent No.3: None appeared.

The Court Made the Following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, the relief prayed for cannot be granted.

The writ petition, therefore, is dismissed.

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DEVINDER GUPTA, CJ

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G. ROHINI, J.

To

1 The Secretary,
Finance & Planning Department,
Union of India, New Delhi
2 The Authorised Officer,
State Bank of Hyderabad,
Bellavista Branch, Hyderabad
3. 2 CD copies